

ASSEMBLY BILL

No. 10

Introduced by Assembly Member Daucher

December 6, 2004

An act relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 10, as introduced, Daucher. Inappropriate placement of disabled persons.

Existing law provides for the licensing and regulation of health facilities, including general acute care hospitals and skilled nursing facilities, by the State Department of Health Services.

This bill would require all private and public health facilities licensed as general acute care hospitals or skilled nursing facilities to take steps to comply with the United States Supreme Court decision in *Olmstead v. L.C. by Zimring* (1999) 527 U.S. 581, regarding community placement of disabled persons.

This bill would require the Secretary of California Health and Human Services to adopt a statewide uniform patient assessment instrument and would require the facilities to adopt patient assessment procedures that are in compliance with that instrument.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) In order to ensure that persons with
- 2 disabilities are not unnecessarily institutionalized, in compliance
- 3 with the standards set forth in the decision of the United States
- 4 Supreme Court in *Olmstead v. L.C. by Zimring* (1999) 527 U.S.

1 581, every private and public health facility licensed under
2 subdivision (a) or (c) of Section 1250 of the Health and Safety
3 Code shall do all of the following:

4 (1) Strengthen its preadmission screening and resident review
5 process so as to identify those persons for whom community
6 placements is indicated.

7 (2) Adopt patient assessment procedures that are in
8 compliance with the statewide uniform assessment instrument
9 adopted by the Secretary of California Health and Human
10 Services pursuant to subdivision (b).

11 (3) Contract with experienced community-based organizations
12 to provide assessment and care coordination and to arrange for
13 home-based supportive services to persons with disabilities
14 regardless of age.

15 (4) Utilize targeted case management, which is an optional
16 benefit under the Medicaid program to pay for the coordination
17 of services.

18 (b) The Secretary of California Health and Human Services
19 shall adopt a statewide uniform patient assessment instrument to
20 guide the patient assessment process so as to ensure
21 comparability of services and to compare the characteristics of
22 the facilities population against those who reside in the
23 community.